

AMENDED IN SENATE AUGUST 20, 2007

AMENDED IN SENATE JUNE 18, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 756

**Introduced by Committee on Public Employees, Retirement and
Social Security (Hernandez (Chair), Mullin, Soto, and Torrico)**

February 22, 2007

An act relating to memoranda of understanding, *making an appropriation therefor*, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 756, as amended, Committee on Public Employees, Retirement and Social Security. Memoranda of understanding: addenda.

Existing law requires the Department of Personnel Administration to provide any side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits and that is not already contained in the original memorandum of understanding or the Budget Act to the Joint Legislative Budget Committee. Existing law requires the Joint Legislative Budget Committee, within 30 days after receiving the side letter, appendix, or other addendum, to determine if the addendum presents substantial additions that are not reasonably within the parameters of the original memorandum of understanding and thereby requires legislative action to ratify the addendum.

This bill would approve ~~an addendum~~ *the addenda* to ~~memorandum~~ *memoranda* of understanding entered into by the state employer and State Bargaining Unit ~~Units 1, 3, 8, 18, 19, and 20 that requires~~ *require* the expenditure of funds, *as specified*. The bill would *further* approve provisions of the ~~addendum~~ *addenda* that require the expenditure of funds, *and would appropriate \$49,360,000 from the General Fund, unallocated special funds, and other unallocated nongovernmental cost funds for those purposes*. The bill would provide that those provisions shall not take effect unless the funds are specifically appropriated by the Legislature or already exist within available appropriations, and would allow the reopening of negotiations if the Legislature does not approve or fully fund ~~the any~~ *any* addendum.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: ~~no~~ *yes*. Fiscal committee: *yes*. State-mandated local program: *no*.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that the
- 2 purpose of this act is to approve addenda to memoranda of
- 3 understanding entered into by the state employer and the state
- 4 bargaining units that require the expenditure of funds.
- 5 SEC. 2. The provisions of the addenda to memoranda of
- 6 understanding entered into by the state employer and the state
- 7 bargaining units that require the expenditure of funds are hereby
- 8 approved for the purposes of Section 3517.63 of the Government
- 9 Code.
- 10 SEC. 3. *Addenda to memoranda of understanding entered into*
- 11 *by the state employer and the state bargaining units shall be*
- 12 *approved in accordance with the following schedule:*
- 13 (a) *Bargaining Unit 20: Service Employees International Union*
- 14 *addendum dated May 10, 2007, effective April 1, 2007.*
- 15 (b) *Bargaining Unit 1: Service Employees International Union*
- 16 *addendum dated May 17, 2007, effective upon approval of this*
- 17 *act.*
- 18 (c) *Bargaining Unit 8: California Department of Forestry*
- 19 *Firefighters addendum dated June 28, 2007, effective July 1, 2007,*
- 20 *requiring an appropriation.*

(d) *Bargaining Unit 3: Service Employees International Union addendum dated July 19, 2007, effective August 6, 2007.*

(e) *Bargaining Unit 19: American Federation of State, County, and Municipal Employees addendum dated July 30, 2007, effective July 1, 2007, requiring an appropriation.*

(f) *Bargaining Unit 3: Service Employees International Union addendum dated July 31, 2007, effective August 1, 2007.*

(g) *Bargaining Unit 18: California Association of Psychiatric Technicians addendum dated July 31, 2007, effective April 1, 2007, requiring an appropriation.*

SEC. 4. *The sum of forty-nine million three hundred sixty thousand dollars (\$49,360,000) is hereby appropriated for expenditure in the 2007–08 fiscal year in augmentation of, and for the purpose of state employee compensation as provided in, Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2007 in accordance with the following schedule:*

(a) *Forty million eighty-three thousand dollars (\$40,083,000) from the General Fund in augmentation of Item 9800-001-0001.*

(b) *Five million nine hundred thirty-seven thousand dollars (\$5,937,000) from unallocated special funds in augmentation of Item 9800-001-0494.*

(c) *Three million three hundred forty thousand dollars (\$3,340,000) from other unallocated nongovernmental cost funds in augmentation of Item 9800-001-0988.*

~~SEC. 3. The addendum to memorandum of understanding entered into by the state employer and State Bargaining Unit 20, dated May 10, 2007, effective April 1, 2007, is hereby approved.~~

~~SEC. 4.~~

SEC. 5. The provisions of the addenda to memoranda of understanding approved by Sections 2 and 3 of this act and that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature or already exist within available appropriations. If the Legislature does not approve or fully fund any addendum included in this act, either party may reopen negotiations on all or part of the addendum.

~~SEC. 5.~~

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order for the provisions of this act to be applicable as soon as
4 possible in the 2007–08 fiscal year, and thereby facilitate the
5 orderly administration of state government at the earliest possible
6 time, it is necessary that this act take effect immediately.

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